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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,109	08/30/2001	Shannon M. Short	36968-259630 (BS01158)	9813
23552	7590	11/23/2005	EXAMINER	
MERCHANT & GOULD PC			CHOW, MING	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2645	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/943,109

Applicant(s)

SHORT, SHANNON M.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-22 in the reply filed on 8-24-05 is acknowledged.

***Response to Amendment***

2. The Declaration filed on 8-24-05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bhogal et al reference.
3. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Bhogal et al reference to either a constructive reduction to practice or an actual reduction to practice. Applicant failed to provide evidence of due diligence from 6-12-01 (Disclosure Docketed Date) to 6-14-01 (Bhogal et al filing date).

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 10-13, 17, 18, 20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhogal et al (US: 2002/0193092).

Regarding claims 1, 3, 17, 18, Bhogal et al teach on section [0019], activating a timer. The timer has date (claimed “a time block designation”) and timer data (claimed “time usage variable”). The timer counts time increments of the call (claimed “adding the time”). Bhogal et al

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teach on section [0020], the call counts are based on calling plan (claimed “if the call was made within the time block”).

Bhogal et al teach on section [0026], the call count (claimed “predefined timer information”) may be conveyed (claimed “notifying”) to the operator (claimed “the user”).

Regarding claim 2, Bhogal et al teach on section [0028], another call count function (claimed “second timer”) for providing special parameter and calculating the special call count.

Regarding claims 4, 19, Bhogal et al teach on section [0027], the provider offers call time ration (claimed “time limits”).

Regarding claim 5, Bhogal et al teach on section [0027], a remaining call count (claimed “the time limit minus a value of the time usage variable”).

Regarding claim 10, Bhogal et al teach on section [0026], reset the accumulated call count.

Regarding claims 11, 20, Bhogal et al teach on section [0026], the call count is reset at the beginning of every billing cycle.

Regarding claim 12, Bhogal et al teach the call count may be conveyed via the display (claimed “an electronic message”).

Regarding claims 13, 22, Bhogal et al teach on sections [0009], [0018], computer medium and computer code used by the controller. The controller and associated elements in Fig. 1 of Bhogal et al is a computer network.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal et al as applied to claim 1 above.

Bhogal et al teach on sections [0028], [0029], the special call count parameter includes night-time, weekend, peak, or off-peak (claimed “time block information”) and may be input via the keypad.

Bhogal et al failed to teach the time block information is received from the user. However, “Official Notice” is taken that the user of the phone who enters information via the keypad of the phone is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Bhogal et al to have time block information entered by the user such that the modified system of Bhogal et al would be able to support the system users an easy function of defining calling schedule.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal et al as applied to claim 1 above, and in view of Chavez (US: 6058305).

Bhogal et al failed to teach “receiving a user request for timer information through voice mail system and transmitting timer information to the user through the voice mail system”. However, Chavez teaches on column 3 line 32-35, a voice mail contains timer information.

It would have been obvious to one skilled at the time the invention was made to modify Bhogal et al to have “receiving a user request for timer information through voice mail and transmitting timer information to said user through voice mail” as taught by Chavez such that the modified system of Bhogal et al would be able to support the system users a different method of accessing timer information.

7. Claims 15, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal et al as applied to claim 1 above, and in view of Joyce et al (US: 6320947).

Bhogal et al failed to teach “protecting the predetermined timer information with a user password”. However, Joyce et al teach on column 13 line 23-51, the “talk time left” information is protected by a PIN.

It would have been obvious to one skilled at the time the invention was made to modify Bhogal et al to have “protecting the predetermined timer information with a user password” as taught by Joyce et al such that the modified system of Bhogal et al would be able to support the system users a secure method of protecting timer information.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal et al as applied to claim 1 above, and in view of Matsuzaki et al (US: 6289314).

Bhogal et al failed to teach “charging a fee to access the predetermined timer information”. However, Matsuzaki et al teach on column 2 line 42-48, user access pay information and the information provider charges the user. Matsuzaki et al is silent that the “pay information” is “predetermined timer information”. However, the content of information is a “decide choice”.

It would have been obvious to one skilled at the time the invention was made to modify Bhogal et al to have “charging a fee to access the timer information” as taught by Matsuzaki et al such that the modified system of Bhogal et al would be able to support the system users to pay for what they get.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal et al as applied to claim 2 above.

Regarding claims 7, 8, 9, Bhogal et al teach on section [0003], the time count is based on calling plans parameters including peak or off-peak call. It is inherent that the peak or off-peak

time must be defined by a beginning time and an ending time. The beginning time and ending time include an associated date is a “Design and Business Choice”.

It would have been obvious to one skilled at the time the invention was made to modify Bhogal et al to have “beginning date and time, and ending date and time” such that the modified system of Bhogal et al would be able to support the system users conveniences of specifying a time block.

### *Response to Arguments*

10. Applicant's arguments filed on 8/24/05 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 8, regarding claim 6. In order to traverse such a finding, the Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See MPEP 2144.03 (C). The detail rejections have been stated above.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

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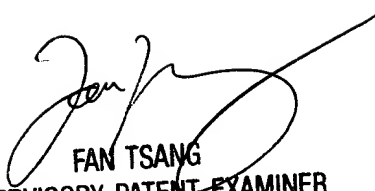
**Washington, D.C. 20231**

**Or faxed to Central FAX Number 572-273-8300.**

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600